



Appl. No. : 10/800,362
Applicant : William M. Pardridge, et al.
Filed : 03/12/2004
TC/A.U. : 1635
Examiner : Ashen, Jon Benjamin

Confirmation No. _____

Docket No. : 407J-002000US
Customer No. : 22798
Client Ref No.: 2004-148-1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF DR. WILLIAM M. PARDRIDGE AND DR. RUBEN J.
BODADO PURSUANT TO 37 C.F.R. § 1.132 AND MPEP 715.01**

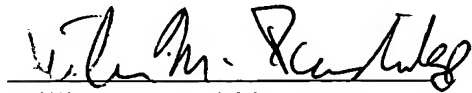
Sir:

We understand that the following reference: Yun Zhang, Ruben J. Boado, and William M. Pardridge (2003) "In vivo knockdown of gene expression in brain cancer with intravenous RNAi in adult rats" The Journal of Gene Medicine 5:1039-1045 (Zhang et al.) has been cited as anticipating claims 1 and 7-17 of the subject application (10/800,362), pursuant to 35 USC § 102(a). Without acquiescing to the Office's position that the Zhang et al. anticipates claims of the subject application, we note that the Zhang et al. reference, to the extent that it discloses the claimed invention, is a disclosure *on behalf* of the inventors of the subject application.

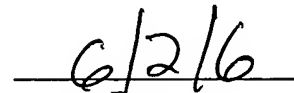
That is, Zhang et al. includes in its listing of authors all of the inventors of the instant application (i.e., Dr. Pardridge and Dr. Boado). Zhang et al. also includes an additional author, Yun Zhang, who is *not* an inventor on the instant application. While Yun Zhang is properly listed as an author on the relevant article, based upon normal standards of authorship for a scientific journal publication, he did not participate in the conception of the claimed invention, and is, therefore, not listed as an inventor on the subject application. Thus, to the extent that the Zhang et al. article discloses the subject invention, the article is a disclosure on behalf of the inventors.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Declarants' signatures:



William M. Pardridge, MD



Date



Ruben J. Boado, MD



Date